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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDWARD BERGO, ET AL.,

No. C 05-0874 JL

Plaintiffs,

v.

C. E. GREEN CORPORATION, ET AL.,

Defendants.

And related case

C 05-0875 JL

JOSE MORENO,

Plaintiff,

v.

C.E. GREEN CORPORATION,

PRETRIAL ORDER

Pursuant to Fed. R. Civ. P. 16 and Civ. L.R. 16-10(b), the following case
management and pretrial order is entered:

1. TRIAL DATE

a. Court trial will begin on August 7, 2006 at 9:30 a.m. in Courtroom F,
15th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

2. DISCOVERY

- a. In the event of a discovery dispute the parties shall use the following procedure:

Parties shall meet and confer in person, or, if counsel are located outside the Bay Area, by telephone, to attempt to resolve their dispute informally. A mere exchange of letters, telephone calls, or facsimile transmissions does not satisfy the requirement to meet and confer.

If, after a good faith effort, the parties have not resolved their dispute, they shall prepare a concise joint statement, of less than three pages, without affidavits or exhibits, stating the nature and status of their dispute. If a joint statement is not possible, each side may submit a one page individual statement. The Court will advise the parties regarding the need, if any, for formal briefing or a hearing.

3. ALTERNATIVE DISPUTE RESOLUTION (ADR)

The Court hereby refers this case for:

- a. A settlement conference to be scheduled before Magistrate Judge Joseph C. Spero of this court. Counsel will be contacted by Judge Spero's chambers with a date and time for the conference as soon as is convenient to the judge's calendar.

4. A further Case Management Conference will be held within 30 days of unsuccessful settlement conference or ADR proceedings. Parties shall jointly propose a date on a Wednesday at 10:30 a.m.

5. PRETRIAL CONFERENCE

a. A final pretrial conference shall be held on August 2, 2006 at 11:00 a.m., in Courtroom F, 15th Floor. Each party shall attend personally or by counsel who will try the case.

b. **Not less than thirty (30) days** prior to the date of the pretrial conference, all counsel or parties shall meet and fulfill the requirements of Civil Local Rule 16-10(b).

1 c. **Not less than twenty (20) days** prior to the pretrial conference,
2 counsel or parties shall

3 (l) serve and file a joint pretrial statement pursuant to Local Rule 16-10
4 (b);

5 The pretrial statement shall include the disclosures required by Fed. R. Civ. P.
6 26(a)(3) as well as the following:

7 **THE ACTION**

8 Substance of the Action

9 Relief Prayed

10 **FACTUAL BASIS FOR THE ACTION**

11 Undisputed Facts

12 Disputed Factual Issues

13 Agreed Statement

14 Stipulations

15 **DISPUTED LEGAL ISSUES**

16 (List)

17 **TRIAL PREPARATION**

18 Witnesses to be Called

19 Exhibits, Schedules and Summaries;

20 Trial

21 Estimate of Trial Time

22 Use of Discovery Responses at Trial

23 Further Discovery or Motions

24 **TRIAL ALTERNATIVES AND OPTIONS**

25 Settlement Discussions

26 Amendments - Dismissals

27 Bifurcation, Separate Trial of Issues

28 **MISCELLANEOUS**

Any other concerns of the parties

d. At the same time that the parties file their joint pretrial statement they shall also:

(ii) Serve and file trial briefs, which shall specify each cause of action and defense remaining to be tried along with a statement of the applicable legal standard (no opposition shall be filed);

(iii) Serve and file motions *in limine*, which shall be contained in one document. Motions in limine will be decided at the Pretrial Conference.

e. Serve and file a list of excerpts from discovery that will be offered at trial, specifying the witness, page and line references and whether the excerpt is to be offered in lieu of testimony or as impeachment;

f. Serve and file a list of witnesses likely to be called at trial, in person or by deposition, other than solely for impeachment or rebuttal, with a brief statement describing the substance of the testimony to be given;

g. Serve and file a numerical list of exhibits (including demonstrative exhibits that may be admitted into evidence but not those that are purely illustrative), with a brief statement describing the substance and purpose of each exhibit and the name of the sponsoring witness;

h. Exchange exhibits which shall be premarked, tabbed and in binders (plaintiff shall use numbers and defendant shall use letters); and deliver the original and **two** duplicate sets of all premarked exhibits to chambers (exhibits are not to be filed) at least one week before trial.

(See Label)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. _____

Exhibit No. _____

Date entered: _____

RICHARD W. WIEKING, Clerk

By: _____

Deputy Clerk

l. Serve and file proposed joint voir dire questions and joint jury instructions for cases to be tried by jury (further instructions regarding jury instructions below);

j. Serve and file proposed findings of fact and conclusions of law for cases to be tried by the Court.

k. Serve and file a proposed verdict form which contains no reference to submitting party.

l. **Two courtesy copies** of trial briefs and motions in limine shall be provided.

m. No party shall be permitted to call any witness or offer any exhibit in its case in chief that is not disclosed in these pretrial filings without leave of court and for good cause.

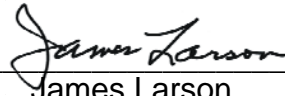
6. **Not less than nine calendar days** prior to the pretrial conference, counsel or parties shall serve and file any opposition or objection to those items required by section 3

1 (e), (f), (i),(j), (k) and (l) of this order. Additionally, counsel or parties shall file any
2 objections to the qualifications of expert witnesses contained in the opposing party's
3 witness list. Objections not filed as required will be deemed waived. No replies shall be
4 filed. All motions and objections shall be heard at the pretrial conference unless otherwise
5 ordered.

6 7. All documents filed with the Clerk of the Court shall list the civil case number
7 followed by the initials "JL." One copy shall be clearly marked as a **chambers** copy.

8 IT IS SO ORDERED.

9 DATED: January 27, 2006

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James Larson
Chief Magistrate Judge